



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Issued by the Department of Transportation on May 22, 1998

**NOTICE OF ACTION TAKEN -- DOCKETS OST 95-768 and OST-95-769**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applications of **ASIANA AIRLINES** filed **10/25/95** and amended **11/8/95, 9/10/97 and 5/8/98** for:

**XX** Renewal and amendment of exemption for two years for authority under 49 U.S.C. 40109 to provide the following service:

**Intermodal cargo services between any U.S. point as authorized by its foreign air carrier permit and exemption (See Orders 95-11-17 and 97-7-19) and any other U.S. points.**

Applicant rep: **Joseph E. Schmitz (202) 457-6000** DOT Analyst: **Gerald Caolo (202) 366-2406**

**DISPOSITION**

**XX** **Granted (See Remarks)**

The above action was effective when taken: **May 22, 1998,** through **May 22, 2000,** or until final Department action on the corresponding Statement of Authorization for intermodal cargo authority filed under Part 222 of the Department's regulations on May 12, 1998.

**Action taken by: Paul L. Gretch, Director**  
**Office of International Aviation**

**XX** **The authority granted is consistent with the aviation agreement between the United States and Korea.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

**XX** **Holder's foreign air carrier permit**

**XX** **Standard Exemption Conditions (attached)**

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**Special Conditions/Remarks:** Except to the extent exempted or waived, this authority is subject to the route descriptions, terms, conditions, and limitations of Asiana's foreign air carrier permit and the requirements of 14 CFR 222 of the Department's Regulations.

We acted on this application without awaiting expiration of the 15-day answer period applicable to the last amendment (May 8, 1998) to this application with the consent of all parties served with the application.

Answers were filed by Federal Express Corporation, World Airways, United Air Lines, the Georgia and Atlanta Parties, City of Kansas City and Greater Kansas City Chamber of Commerce, and the City of Los Angeles Department of Airports. The civic parties supported the applications.

The carrier parties opposed the applications for various reasons. Federal Express stated that Korea had imposed restrictions that had impeded its ability to perform intermodal operation in Korea. World stated that Korea was not abiding by the existing agreement by not approving World's request to serve Korea via Malaysia and thus, there was no basis to grant extrabilateral intermodal authority to Korean carriers. United stated that no extrabilateral authority should be granted until the United States and Korea conclude an open skies agreement. Federal Express and World withdrew their opposition because their concerns were resolved after the United States and Korea recently concluded an open skies aviation agreement. We concluded that the concerns of United have also been resolved by the new agreement.

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We found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Dockets. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:  
<http://dms.dot.gov/general/orders/aviation.html>.*